

# **Exhibit A**

Date of Filing:

Index #:

Plaintiff designates  
Orange County  
as the place of trial.

The basis of the venue is  
the county in which a substantial part  
of the events or omissions giving rise  
to the claim occurred per CPLR  
section 503.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE

-----X  
ANTHONY HEINE,

Plaintiff,

SUMMONS

-against-

DANIEL BENJAMIN LAWSON and FEDEX  
FREIGHT INC.,

Defendants.

-----X  
To the above-named defendant(s):

YOU ARE HEREBY SUMMONED, to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorneys within - 20- days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

SOBO & SOBO, LLP



MICHAEL D. WOLFF, ESQ.  
Attorneys for Plaintiff  
One Dolson Avenue  
Middletown, NY 10940  
(845) 343-0466

Dated: November 25, 2020  
Middletown, New York

Defendants' addresses: See Complaint

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE

-----X  
ANTHONY HEINE,

Plaintiff,

**VERIFIED COMPLAINT**

-against-

Index No.:

DANIEL BENJAMIN LAWSON and FEDEX  
FREIGHT INC.

Defendants.  
-----X

Plaintiff, ANTHONY HEINE, by his attorneys, SOBO & SOBO, L.L.P., as and for the  
Verified Complaint, herein allege the following:

1. That at all times hereinafter mentioned, the plaintiff was and still is a resident of the County of Dutchess, State of New York.
2. That at all times hereinafter mentioned, upon information and belief, the defendant, DANIEL BENJAMIN LAWSON, was and still is a resident of the County of Baltimore, State of Maryland.
3. That at all times hereinafter mentioned, upon information and belief, the defendant, FEDEX FREIGHT INC, was and still is a domestic corporation organized and existing under and by virtue of the Laws of the State of New York.
4. That at all times hereinafter mentioned, upon information and belief, the defendant, FEDEX FREIGHT INC., was and still is a foreign corporation organized and existing under and by virtue of the laws of the State of Indiana.
5. That at all times hereinafter mentioned, upon information and belief, the defendant, FEDEX FREIGHT INC., engaged in interstate transportation and/or interstate commerce.

6. That at all times hereinafter mentioned, upon information and belief, the defendant, FEDEX FREIGHT INC., was the titled owner of a 2014 Kenworth Tractor Truck, bearing License Plate #2961107, for the State of Indiana.

7. That at all times hereinafter mentioned, upon information and belief, the defendant, FEDEX FREIGHT INC., was the registered owner of a 2014 Kenworth Tractor Truck, bearing License Plate #2961107, for the State of Indiana.

8. That at all times hereinafter mentioned, upon information and belief, the defendant, DANIEL BENJAMIN LAWSON, was the operator of the aforesaid 2014 Kenworth Tractor Truck, bearing License Plate #2961107, for the State of Indiana.

9. That at all times hereinafter mentioned, upon information and belief, the defendant, DANIEL BENJAMIN LAWSON, was employed by defendant, FEDEX FREIGHT INC., and was operating the aforementioned 2014 Kenworth Tractor Truck in the course of his employment and with permission of the defendant owner FEDEX FREIGHT INC.

10. That at all times hereinafter mentioned, upon information and belief, the defendant, DANIEL BENJAMIN LAWSON, was employed by defendant, FEDEX FREIGHT INC., and managed the aforementioned 2014 Kenworth Tractor Truck in the course of his employment and with permission of the defendant owner FEDEX FREIGHT INC.

11. That at all times hereinafter mentioned, upon information and belief, the defendant, DANIEL BENJAMIN LAWSON, was employed by defendant, FEDEX FREIGHT INC., and maintained the aforementioned 2014 Kenworth Tractor Truck in the course of his employment and with permission of the defendant owner FEDEX FREIGHT INC.

12. That at all times hereinafter mentioned, upon information and belief, the defendant, DANIEL BENJAMIN LAWSON, was employed by defendant, FEDEX FREIGHT

INC., and controlled the aforementioned 2014 Kenworth Tractor Truck in the course of his employment and with permission of the defendant owner FEDEX FREIGHT INC.

13. That at all times hereinafter mentioned, Interstate 84 1.5 miles East of Exit 28 in Montgomery New York, was and still is a public highway and thoroughfare and was the situs of the accident herein.

14. That at all times hereinafter mentioned, the plaintiff was lawfully a pedestrian upon the aforesaid situs.

15. That on or about May 23, 2020, the aforementioned truck driven by Defendant DANIEL BENJAMIN LAWSON and owned by defendant FEDEX FREIGHT INC., was in contact with the plaintiff, ANTHONY M. HEINE, a pedestrian.

16. The contact and injuries alleged herein were caused by the negligent, wanton, reckless and careless acts of the defendants herein.

17. That the defendants were negligent, wanton, reckless and careless in allowing, causing and/or permitting the truck owned and operated by said defendants herein to come into contact with the plaintiff, a pedestrian; in failing to take those steps necessary to avoid the contingency which herein occurred; in failing to keep the truck under proper control; in failing to operate the truck in a manner and at a speed that was reasonable and proper under the prevailing traffic conditions; in failing to properly keep and maintain the truck so as to prevent the contingency which herein occurred; in failing to properly operate the braking and acceleration devices of the truck under the circumstances of the roadway where the accident occurred; in failing to keep a proper lookout; in failing to stop and/or slow down; in violating the rules of the road; in failing to obey one or more traffic control device(s); in failing to observe that degree of caution, prudence and care which was reasonable and proper under the controlling circumstances; in acting with reckless disregard for the safety of others; in failing to keep alert

and attentive; in failing to properly train their employees; in the negligent hiring of its' employees; in the negligent retention of its' employees; under the theory of Respondent Superior; in failing to observe that degree of caution, prudence and care which was reasonable and proper under the controlling circumstances; in acting with reckless disregard for the safety of others; in failing to keep alert and attentive; and the defendants were in other ways negligent, wanton, reckless and careless.

18. That the defendants, and each of them, are liable to the plaintiff upon the doctrine of res ipsa loquitur.

19. The limited liability provisions of CPLR §1601 do not apply pursuant to the exceptions of CPLR §1602 (6) and (7).

20. That by reason of the foregoing, the plaintiff was caused to sustain severe and serious personal injuries to his mind and body, some of which, upon information and belief, are permanent with permanent effects of pain, disability, disfigurement and loss of body function. Further, this plaintiff was caused to expend and become obligated for diverse sums of money for the purpose of obtaining medical care and/or cure in an effort to alleviate the suffering and ills sustained as a result of this accident; this plaintiff further was caused to lose substantial periods of time from her normal vocation, and upon information and belief, may continue in that way into the future and suffer similar losses.

Furthermore, this plaintiff sustained a serious injury, as defined in the Insurance Law Section 5102(d) for the State of New York.

21. That by reason of the foregoing, this plaintiff has been damaged in a sum that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction of this matter.

WHEREFORE, plaintiff demands judgment against the defendants, and each of them, as follows:

A sum that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction in this matter, together with the costs and disbursements of this action.

DATED: November 25, 2020  
Middletown, New York



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MICHAEL D. WOLFF, ESQ.  
SOBO & SOBO, LLP  
Attorneys for Plaintiff  
One Dolson Avenue  
Middletown, NY 10940  
(845) 343-7626

TO: DANIEL BENJAMIN LAWSON  
201 Oak Ave  
Pikesville, MD 212080

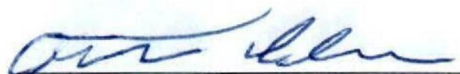
FEDEX FREIGHT INC.,  
2306 N. Baker Road  
Fremont, IN 46737

## VERIFICATION

STATE OF NEW YORK, COUNTY OF ORANGE


ss:

ANTHONY HEINE, being duly sworn says; I am one of the plaintiffs in the action herein; I have read the annexed Verified Complaint, know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.



ANTHONY HEINE

Sworn to before me on this

Nov. 25<sup>th</sup>, 2020  
NOTARY PUBLIC

CAROLE SMITH  
Notary Public, State Of New York  
No. 01SM6093616  
Qualified In Orange County  
My Commission Expires June 2, 2023